AMENDMENTS TO THE DRAWINGS:

The attached sheet of drawing includes changes to Fig. 2. The replacement sheet, which includes Fig. 2, replaces the original sheet including Fig. 2.

REMARKS

Reconsideration and allowance of the present application are respectfully requested. Claims 1-21 remain pending in the application. By this Amendment, a replacement sheet of Fig. 2 is provided; and claims 1, 5, 8, 13, 16, 18 and 20 are amended.

On page 2 of the Office Action, the drawings are objected to under 37 CFR §1.83(a). Specifically, the Examiner asserts that "the drive unit on the valves of the supply pipes for supplying the substances to a container must be shown or the features canceled from the claim 6." In response, a replacement sheet of Fig. 2 is provided with the drive unit 9 labeled accordingly. Withdrawal of the objection is respectfully requested.

On page 3 of the Office Action, claims 5, 13 and 20 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Specifically, the Examiner asserts that "Antecedent bases for reference value and actual value have not been developed within the claim language." In response, the relevant claims are amended to obviate the rejection. For example, claim 5 recites, among other features, "at least one of a specified weight value, an actual weight value, and a difference value between the specified and actual weight values is visualized on the display unit for manual addition of the substances to be mixed."

A feature of the Applicant's disclosed device is a display unit which is provided so that reference and actual values, and/or a difference of the reference and actual values, are visualized on the display unit. For example, Applicant has disclosed that a specified weight and an actual weight, or a remaining difference, of a component to be mixed can be visualized on the display unit 4 (paragraph [00021]). This provides,

inter alia, for accurate manual addition of the substances to be mixed. Withdrawal of the rejection under 35 U.S.C. §112, second paragraph, is respectfully requested.

On page 4 of the Office Action, independent claim 1, along with various dependent claims, are rejected as being anticipated by U.S. Patent 6,516,245 (Dirksing et al.). On page 5 of the Office Action, dependent claims 2-5, 9, 12, 17 and 21 are rejected as being unpatentable over the Dirksing et al. patent. On page 7 of the Office Action, dependent claims 8 and 18 are rejected as being unpatentable over the Dirksing et al. patent in view of U.S. Patent No. 5,718,268 (Muscara). On page 7 of the Office Action, independent claim 1, along with various dependent claims, are rejected as being unpatentable over U.S. Patent 6,793,387 (Neas et al.). On page 9 of the Office Action, claims 1-21 are rejected as being unpatentable over the Neas et al. patent, in view of U.S. Patent 5,938,080 (Haaser et al.). These rejections are respectfully traversed.

Applicant has disclosed a device and a method of operating the device, which serve to mix substances, especially coloring substances, with high precision in a simple manner (e.g., paragraph [00011]). For example, the device has a processor unit, a local memory unit for storing mixing formulas, a display unit, and an input unit, as well as a measuring device, in particular a scale, with which portions of substances in quantities determined according to a mixing formula can be filled manually or automatically into a container (e.g., paragraphs [00012] and [00014]).

A feature of Applicant's disclosed device is that there is a wireless communication connection to a data server that is still active at certain times for a period of time that is needed to update the mixing formulas. Specifically, a processor unit is connected to a communications module, with which a wireless

communications connection to a data server is established regularly or as needed, via which the data of mixing formulas can be transmitted to the local memory unit (e.g., paragraph [00013]). In this manner, the mixing formulas, any notes regarding manufacture and use of the mixtures and, if need be, also operating programs, can be kept at an up-to-date status, and other transfer of data, is therefore obviated.

The measuring device is used in a feedback loop, for example, by a user reading the actual measuring value from a display and dosing the substance manually, or alternatively, by technical means when dosing automatically (e.g., paragraph [00014]).

The device and the method for operating the device therefore allow a user to call up constantly up-to-date mixing formulas directly on the mixing device and then to start a mixing process, or perform a mixing manually while observing the display of the measuring device (e.g., abstract).

The foregoing features are broadly encompassed by amended claim 1, which recites, among other features, a device for mixing substances, comprising: a processor unit; a local memory unit to store mixing formulas; a display unit and an input unit operably connected with the processor unit; a scale by which portions of substances in quantities determined according to a mixing formula are filled manually or automatically into a container; and a data server, wherein the processor unit is connected to a communications module for establishing a wireless communications connection to the data server for a time period, regularly or as needed, for receiving data of the mixing formulas to control the scale.

Claim 10 recites a method of operating a device according to claim 1, wherein the device regularly or as needed creates wireless communication connections to a

data server, and on each occasion, up-to-date data of mixing formulas are transmitted to the local memory unit of the device.

The Dirsking et al. Patent

The Dirksing et al. patent discloses customizing cosmetics for use by a consumer (abstract). The consumer provides selection data, via one or more input selection means, among them a communications port 200 permitting the device to receive consumer selection data (e.g., col. 4, lines 39-43). A single line LCD can be provided to permit the consumer to enter the selection data as a numeric value. Hence, the consumer enters the pertinent data, i.e., selection data, from which a mixing formula is calculated (e.g., col. 4, lines 44-47). The system may provide prepackaged selection data made available to the customer via numeric code (e.g., col. 4, lines 61-67). Customers may retrieve such codes via an automated phone system or an internet web site (e.g., col. 5, lines 1-10).

The Dirksing et al. patent does not teach or suggest a scale by which portions of substances in quantities determined according to a mixing formula are released to be mixed. The Dirksing et al. patent does not teach or suggest a feedback loop in which a scale is include and wherein data of a mixing formula are used to control the scale. The Dirksing et al. patent does not teach or suggest a device for mixing substances, having, among other recited features, 1) a scale by which portions of substances in quantities determined according to a mixing formula are filled manually or automatically into a container; and 2) a data server, wherein the processor unit is connected to a communications module for establishing a wireless communications connection to the data server for a time period, regularly or as

needed, for receiving data of the mixing formulas to control the scale, as recited in claim 1.

The Muscara patent does not cure the deficiencies of the Dirksing et al. patent. The Muscara patent is cited for disclosure of an apparatus for dispensing liquid which has a scale 17 (abstract; Figs. 2 and 4), but does not teach or suggest the aforementioned claim features.

Even if combined, the Dirksing et al. patent and the Muscara et al. patent, considered individually or in combination as suggested by the Examiner, does not teach or suggest 1) a scale by which portions of substances in quantities determined according to a mixing formula are filled manually or automatically into a container; and 2) a data server, wherein the processor unit is connected to a communications module for establishing a wireless communications connection to the data server for a time period, regularly or as needed, for receiving data of the mixing formulas to control the scale, as recited in claim 1.

The Neas et al. Patent

The Neas et al. patent discloses an apparatus and method of preparing a mixture using a computerized apparatus having a plurality of vessels, including a user interface for receiving an input concerning the mixture (abstract). However, the Neas et al. patent does not teach or suggest a scale and a mixing formula for releasing portions of substances in quantities into a container. The Neas et al. patent does not teach or suggest establishing a temporary wireless communications connection to a data server for a time period for receiving data of the mixing formulas. The Neas et al. patent does not teach or suggest a device for mixing substances, having, among other recited features, 1) a scale by which portions of

substances in quantities determined according to a mixing formula are filled manually or automatically into a container; and 2) a data server, wherein the processor unit is connected to a communications module for establishing a wireless communications connection to the data server for a time period, regularly or as needed, for receiving data of the mixing formulas to control the scale, as recited in claim 1.

The Haaser et al. patent does not cure the deficiencies of the Neas et al. patent. The Haaser et al. patent does not teach or suggest establishing a wireless communications connection to a data server for a time period for receiving data of the mixing formulas, as recited in claim 1. Rather, the Haaser et al. patent discloses user entry via a key pad (e.g., col. 10, lines 27-30; Fig. 12).

Even if combined, the Neas et al. patent and the Haaser et al. patent, considered individually or in combination as suggested by the Examiner, does not teach or suggest 1) a scale by which portions of substances in quantities determined according to a mixing formula are filled manually or automatically into a container; and 2) a data server, wherein the processor unit is connected to a communications module for establishing a wireless communications connection to the data server for a time period, regularly or as needed, for receiving data of the mixing formulas to control the scale, as recited in claim 1.

For the foregoing reasons, Applicant's independent device claim 1 is allowable. The remaining claims depend from the independent claim and recite additional advantageous features which further distinguish over the documents relied upon by the Examiner. As such, the present application is in condition for allowance.

All objections and rejections raised in the Office Action having been addressed, it is respectfully submitted that the application is in condition for allowance and a Notice of Allowance is respectfully solicited.

Respectfully submitted,

BUCHANAN INGERSOLL PC

Date: February 27, 2006

By: Reg No. 48,360
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Attachment: Replacement Sheet (Fig. 2)

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